IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 15TH FEBRUARY 2007 / 26TH MAGHA 1928

WP(C).No. 5217 of 2007(U)

PETITIONER:

P.K.MOHANAN, AGED 56 YEARS, S/O.KRISHNAN NAIR, DRIVER(RETIRED), K.S.R.T.C. ERATTUPETTA, RESIDING AT PUTTUMADATHIL HOUSE, KADAPPATTOOR P.O., PALA.

BY ADV. SRI.P.P.SOMAN NAIR

RESPONDENTS:

1.KERALA STATE ROAD TRANSPORT CORPORATION, REPRESENTED BY ITS MANAGING DIRECTOR, TRANSPORT BHAVAN, CHIEF OFFICE, FORT, THIRUVANANTHAPURAM-23.

2.THE FINANCIAL ADVISOR & CHIEF ACCOUNTS OFFICER, K.S.R.T.C., TRANSPORT BHAVAN, FORT P.O., THIRUVANANTHAPURAM-23.

3.THE ASSISTANT ACCOUNTS OFFICER(PENSION) K.S.R.T.C., TRANSPORT BHAVAN, FORT P.O., THIRUVANANTHAPURAM-23.

4.THE ASSISTANT TRANSPORT OFFICER, K.S.R.T.C., ERATTUPETTA DEPOT.

5.THE EXECUTIVE OFFICER, THE KOTTAYAM DISTRICT CO-OPERATIVE BANK LTD., KOTTAYAM.

R1 TO R4 BY ADV. MR.K.PRABHAKARAN, S.C.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/02/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

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W.P.(C)No.5217 of 2007

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Dated: 15th February, 2007

JUDGMENT

The petitioner who retired from K.S.R.T.C. on 31.8.2005 seeks out of turn release of his retiral benefits on the ground that his creditor, the 5th respondent-Bank has issued a notice under the Securitisation Act threatening to dispossess him unless a total amount of Rs.1,68,570/- which is due from him to that Bank is paid immediately.

2. Adv.Mr.K.Prabhakaran, Standing Counsel takes notice on behalf of the K.S.R.T.C.

3. Having regard to the grounds raised and the submissions of Mr.K.Prabhakaran and considering Ext.P2 which is copy of the notice received by the petitioner, I feel that this Writ Petition can be disposed of at this stage itself with the following directions:

The K.S.R.T.C. will pay to the petitioner all the amounts due to the petitioner by way of D.C.R.G. within six weeks of receiving a copy of this judgment. The amount shall be paid by means of an instrument drawn account payee in favour of the 5th respondent-Bank. The petitioner will submit a representation along with that instrument before the 5th respondent seeking time for payment of the balance amounts. I am sure that the 5th respondent will consider and

pass early orders on that representation with utmost sympathy.

The Writ Petition will stand disposed of as above.

srd **PIUS C.KURIAKOSE, JUDGE**